

01/10/17

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORKFILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 10 2017 ★

LONG ISLAND OFFICE

STACY FISHER

CV - 17 127

(In the space above enter the full name(s) of the plaintiff(s).)

## COMPLAINT

-against-

Jury Trial: ☒ Yes ☐ No

ROSICKI, ROSICKI AND ASSOCIATES

SHELLPOINT MORTGAGE SERVICING

CITIMORTGAGE INC.

CHRISTIANA TRUST

AZRACK, J.

WILMINGTON SAVINGS FUND SOCIETY FSB BROWN, M. J.

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

## I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff:

Name STACY FISHER  
Street Address 2272 LOCUST AVENUE  
County, City SUFFOLK, RONKONKOMA  
State & Zip Code NEW YORK 11779  
Telephone Number 631-433-1892

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name ROSICKI, ROSICKI AND ASSOCIATES  
 Street Address 2 SUMMIT COURT, SUITE 301  
 County, City FISHKILL  
 State & Zip Code NEW YORK 12524  
 Telephone Number 845-897-1600

Defendant No. 2 Name SHELLPOINT MORTGAGE SERVICING  
 Street Address P.O. BOX 1410  
 County, City TROY  
 State & Zip Code MI 48099-1410  
 Telephone Number 866-825-2174

Defendant No. 3 Name CITIMORTGAGE INC  
 Street Address \_\_\_\_\_  
 County, City \_\_\_\_\_  
 State & Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

Defendant No. 4 Name WILMINGTON SAVINGS FUND SOCIETY FSB/CHRISTIANA TRUST  
 Street Address \_\_\_\_\_  
 County, City \_\_\_\_\_  
 State & Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

## II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? NY BANKING LAW SS6-1, NY REAL PROP ACTS  
LAW SS1302; FAILURE TO GIVE PROPER NOTICE

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship \_\_\_\_\_

Defendant(s) state(s) of citizenship \_\_\_\_\_

**III. Statement of Claim:**

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? Islip Town Hall, 655 main ST, Islip NY 11751 / 2272 Locust Ave. Ronkonkoma, NY 11779

B. What date and approximate time did the events giving rise to your claim(s) occur? morning - 11/9/16, Afternoon - December 29, 2016, 0930 January 10, 2017

C. Facts: See attached - 3 pages.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

**IV. Injuries:**

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. N/A



III. c

In November 2009, Keith A. Fisher, was laid off by his employer. At that time, we immediately contacted Citimortgage and notified them of this occurrence and inquired as to what preventative actions were available to us. We were advised that a loan modification was an option once we were in arrears (we were current and in good standing at this time).

In March 2010, we had missed (3) mortgage payments and were served with a Notice of Foreclosure. Upon receipt of this, we again contacted Citimortgage immediately and were advised of two options (1) make all payments currently in arrears to bring the account current or (2) apply for a loan modification.

At that point, multiple attempts at securing a loan modification were made. These were unsuccessful as I was giving document after document at their request, however, continually met with variant excuses as to why the process was not moving forward yet we were never issued a denial letter.

In October of 2015, I received a letter from Shellpoint mortgage advising that they had taken over the mortgage from Citimortgage. I have since confirmed that an Assignment of Mortgage is in fact recorded with the Suffolk County Clerk



as of 11/16/15 in Liber M00022649 pg 820. I attempted to contact them to once again pursue a loan modification but I did not get a response. Several months later I received a letter dated 10/31/16 requesting that I contact them "to avoid foreclosure".

On December 29, 2016, I was finally put in touch with a representative who had the ability to give me the name/number for a point of contact in the Loss Mitigation Dept. that would handle a loan modification moving forward. Each document that was requested, in addition to the Uniform Borrower Assistance form, was emailed in a timely fashion to the attention of the representative allegedly assigned. After multiple follow up calls/voicemails to confirm receipt, I was advised that someone else was actually the point of contact. Simultaneously, I received a solicitation letter from a local attorney notifying me of an auction date for my home. Despite the fact that Shellpoint was repeatedly made aware that time was of the essence, no attempts were made to expedite my file to avoid the impending auction.

In an effort to do anything possible to allow me the opportunity to save my home by postponing the auction, I reached out to Kosicki and Kosicki, the banks attorney. They advised that I could fax a letter to the attention of the sales



dept requesting a sale postponement that could be granted by the bank since I was actively pursuing a modification with Shellpoint Mtg. The request was sent via fax and receipt confirmed however once again I never received a reply.

Today, January 10, 2017, despite my many efforts I made to obtain financing and communicate with all parties involved, I watched a referee sell my home back to a bank that, as per the Suffolk County Clerks Office, was not the current owner of the mortgage at the time of sale. This prompted me to further investigate with the Suffolk County Clerks Office at which time I found a second Assignment of Mortgage on record dated 6 months after the initial assignment to Shellpoint Mortgage. This was recorded on 5/27/16 assigning the mortgage from Ct mortgage Inc. to Wilmington Savings Fund Society FSB and Christiana Trust, recorded in Liber MO0022706 pg 924.

I am at a loss as to how a bank who has assigned away their ownership of this mortgage had the ability to purchase my home or proceed with a foreclosure when they are no longer the Mortgagee of record. I have never been contacted by Wilmington Savings Fund Society FSB, nor were any foreclosure documents provided by any of the Assigned Mortgagees currently on record.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. I AM REQUESTING THAT THE SALE OF MY HOME (2272 LOCUST AVE, RONKONKOMA, NY 11779) THAT OCCURRED BY AUCTION ON 1/10/17 AT APPROX 0930 BE REVERSED TO ALLOW ADEQUATE TIME TO COMPLETE THE MORTGAGE MODIFICATION PROCESS WHICH WAS ALREADY IN PROGRESS AT THE TIME OF SAID SALE AS THAT WAS THE ONLY OPTION PROVIDED TO ME BY SHELLPOINT MORTGAGE SERVICING TO PREVENT ANY FORECLOSURE PROCEEDINGS TO ALLOW MY CHILDREN AND MYSELF TO REMAIN IN OUR HOME.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10 day of JANUARY, 2017.

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)

Ray S. Dine  
2272 LOCUST AVE  
RONKONKOMA, NY 11779

6314331892

**Note:** All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.



**ADDED THIS WEEK!**

RESCHEDULED: 1/10/17 *Action:* US Bank vs Villeda-Lopez *Plaintiff's Attorney*  
 TIME: 9:15 AM *Premises:* 125 Leaf Avenue - Central Islip Sheldon May  
 PLACE: Islip TH *Original Mortgage & Amount:* 9/07 - \$375,250 (516) 763-3200  
 655 Main Street *FINAL JUDGMENT AS OF* 3/14/16 - \$288,318  
 TM #: 500/163/4/70 *Referee:* Arthur E. Shulman INDEX # 13-10533

**ADDED THIS WEEK!**

DATE OF SALE: 1/10/17 *Action:* Wilmington Savings Fund Society vs Richmond *Plaintiff's Attorney*  
 TIME: 9:30 AM *Premises:* 191 Clarissa Drive - Bay Shore Sheldon May  
 PLACE: Islip TH *Original Mortgage & Amount:* 8/07 - \$327,000 (516) 763-3200  
 655 Main Street *FINAL JUDGMENT AS OF* 10/13/16 - \$507,609  
 TM #: 500/200/1/54 *Referee:* Willis Carman INDEX # 13-63333

**ADDED THIS WEEK!**

RESCHEDULED: 1/10/17 *Action:* CitiMortgage Inc vs Fisher *Plaintiff's Attorney*  
 TIME: 9:30 AM *Premises:* 2272 Locust Avenue - Ronkonkoma Rosicki/Rosicki  
 PLACE: Islip TH *Original Mortgage & Amount:* 1/06 - \$243,000 (845) 897-1600  
 655 Main Street *FINAL JUDGMENT AS OF* 2/19/15 - \$359,443  
 TM #: 500/86/1/22 *Referee:* Brian Egan INDEX # 10-10265

**ADDED THIS WEEK!**

RESCHEDULED: 1/10/17 *Action:* CitiMortgage, Inc. vs Norman *Plaintiff's Attorney*  
 TIME: 9:45 AM *Premises:* 204 Cone Avenue - Central Islip Knuckles/Komosinski  
 PLACE: Islip TH *Original Mortgage & Amount:* 8/06 - \$197,928 (914) 345-3020  
 655 Main Street *FINAL JUDGMENT AS OF* 5/19/16 - \$320,582  
 TM #: 500/119/2/88 *Referee:* Arthur E. Shulman INDEX # 14-60301

**ADDED THIS WEEK!**

RESCHEDULED: 1/10/17 *Action:* PennyMac Corp. vs Hill *Plaintiff's Attorney*  
 TIME: 9:45 AM *Premises:* 7 Oakwood Street - Greenlawn Shapiro/DiCaro  
 PLACE: Huntington TH *Original Mortgage & Amount:* 1/04 - \$24,554 (585) 247-9000  
 100 Main Street *FINAL JUDGMENT AS OF* 5/28/15 - \$619,381  
 TM #: 400/110/1/8,9 & 11.002 *Referee:* Christopher Modelewski INDEX # 08-12873

**ADDED THIS WEEK!**

DATE OF SALE: 1/10/17 *Action:* CitiMortgage Inc vs Vega *Plaintiff's Attorney*  
 TIME: 10:00 AM *Premises:* 192 Newman Street - Brentwood Davidson/Fink  
 PLACE: Islip TH *Original Mortgage & Amount:* 2/01 - \$142,100 (585) 546-6448  
 655 Main Street *FINAL JUDGMENT AS OF* 7/29/16 - \$218,359  
 TM #: 500/162/3/102 *Referee:* Charles Kenny INDEX # 13-63568

**ADDED THIS WEEK!**

RESCHEDULED: 1/10/17 *Action:* F.N.M.A vs Cumia *Plaintiff's Attorney*  
 TIME: 10:00 AM *Premises:* 22 Maple Place - Huntington Fein/Such  
 PLACE: Huntington TH *Original Mortgage & Amount:* 11/03 - \$415,250 (516) 394-6921  
 100 Main Street *FINAL JUDGMENT AS OF* 4/12/16 - \$415,235  
 TM #: 400/93/2/93 *Referee:* Timothy Daly INDEX # 13-64869

**ADDED THIS WEEK!**

DATE OF SALE: 1/10/17 *Action:* CitiMortgage Inc vs Bonilla *Plaintiff's Attorney*  
 TIME: 10:00 AM *Premises:* 43 Grenville Avenue - Patchogue (Village) Davidson/Fink  
 PLACE: Brookhaven TH *Original Mortgage & Amount:* 4/07 - \$354,750 (585) 546-6448  
 1 Independence Hill, Farmingville *FINAL JUDGMENT AS OF* 2/18/16 - \$587,160  
 TM #: 204/16/7/36 *Referee:* Michael Mullen INDEX # 10-34332

**ADDED THIS WEEK!**

RESCHEDULED: 1/10/17 *Action:* Wells Fargo Bank vs McDonald *Plaintiff's Attorney*  
 TIME: 10:00 AM *Premises:* 41 Heston Road - Shirley Frenkel/Lambert  
 PLACE: Brookhaven TH *Original Mortgage & Amount:* 5/11 - \$225,735 (631) 969-7777  
 1 Independence Hill, Farmingville *FINAL JUDGMENT AS OF* 4/29/16 - \$281,091  
 TM #: 200/937/2/21 200/907/5/25 *Referee:* Daniel O'Brien INDEX # 14-61872

**ADDED THIS WEEK!**

RESCHEDULED: 1/10/17 *Action:* Wilmington Savings Fund Society vs Kosach *Plaintiff's Attorney*  
 TIME: 10:00 AM *Premises:* 19 Windsor Place - Shirley Rosicki/Rosicki  
 PLACE: Brookhaven TH *Original Mortgage & Amount:* 12/04 - \$296,000 (845) 897-1600  
 1 Independence Hill, Farmingville *FINAL JUDGMENT AS OF* 3/7/14 - \$389,256  
 TM #: 200/879/1/32 *Referee:* John D. Strode INDEX # 09-49388



- Sale postponement

845-897-2648

Sales Dept

occurred



P.O. BOX 1410  
TROY, MI 48099-1410  
RETURN SERVICE REQUESTED



Phone Number: 866-825-2174

Fax: 866-467-1187

e-Mail: Lossmitigation@shellpointmtg.com

S-SFRECS20 L-1031 R-106  
P696US00201086 - 501915719 I19532  
KEITH A FISHER  
2272 LOCUST AVE  
RONKONKOMA NY 11779-6516

Loan Number:	0568481023
Principal Balance:	\$243,000.00
Property:	2272 Locust Ave Ronkonkoma, NY 11779

10/31/2016

Dear Keith A Fisher:

We understand that financial circumstances may change from time to time, affecting your ability to meet your obligations. We're concerned about your recently missed mortgage payment and want to offer our assistance in case you are unable to catch up.

**We Are Here to Help - Call Us at 866-825-2174**

Let us work with you to understand the issues affecting your mortgage payments. We'll explore what assistance may be available to you and discuss the forms and documentation needed to determine if you qualify for an option to avoid foreclosure.

**Options May Be Available**

The right option for you depends on your individual circumstances. When you provide the required information and documentation about your situation, we can determine if you qualify for temporary or long-term relief, including mortgage options that may allow you to stay in your home or leave your home while avoiding foreclosure. Review the **Information on Avoiding Foreclosure** page for an overview of these options.

Act now and call us 866-825-2174. The sooner you respond, the quicker we can determine whether you qualify for an option to avoid foreclosure.

**Getting Started**

Remember, you need to take action by calling us at 866-825-2174 right away—or get started by completing and returning the attached Uniform Borrower Assistance Form along with other required documents by 11/30/2016.

**Additional Resources**

For additional information about preventing foreclosure, avoiding fraud scams and accessing approved counseling at no cost to you.

- Visit Shellpoint's web site at [www.shellpointmtg.com](http://www.shellpointmtg.com)
- Visit <http://www.MakingHomeAffordable.gov>.
- Find available HUD-approved housing counselors – Call the US Department of Housing and Urban Development at (800) 569-4287 or visit [www.hud.gov/counseling](http://www.hud.gov/counseling)

Sincerely,

Jacqueline Lipscomb, 866-825-2174  
Shellpoint Mortgage Servicing("Shellpoint")



**Please read the following important notices as they may affect your rights.**

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector.

If you are a customer in bankruptcy or a customer who has received a bankruptcy discharge of this debt: please be advised that this notice is to advise you of the status of your mortgage loan. This notice constitutes neither a demand for payment nor a notice of personal liability to any recipient hereof, who might have received a discharge of such debt in accordance with applicable bankruptcy laws or who might be subject to the automatic stay of Section 362 of the United States Bankruptcy Code. However, it may be a notice of possible enforcement of the lien against the collateral property, which has not been discharged in your bankruptcy.

New York City

New York City Consumer Affairs license number 1471002.

**Attention Servicemembers and Dependents:** The federal Servicemembers Civil Relief Act and certain state laws provide important protections for you, including interest rate protections and prohibiting foreclosure under most circumstances during and twelve months after the servicemember's military or other service. Counseling for covered servicemembers is available from Military OneSource (800-342-9647) and the United States Armed Forces Legal Assistance or other similar agencies. For more information, please visit the Military OneSource website [www.militaryonesource.mil/](http://www.militaryonesource.mil/).

The following is a Spanish translation of the information previously provided:

**Lea por favor las siguientes avisos importantes que puedan afectar sus derechos.**

Esto es un intento de cobrar una deuda y cualquier información obtenida se utilizará para ello. Esta comunicación es de un cobrador de deudas.

Si usted es un cliente en situación de bancarrota o un cliente que ha recibido una descarga de bancarrota de la deuda: tenga en cuenta que este aviso es para informarle de la situación de su préstamo hipotecario. Este aviso no constituye una exigencia de pago ni un aviso de responsabilidad civil contra ninguno de los destinatarios de la presente notificación, que pudiese haber recibido un descargo de este tipo de deuda de conformidad con la legislación vigente sobre bancarrota o que pudiera ser objeto de suspensión automática en virtud de Sección 362 del Código de Bancarrota de los Estados Unidos. No obstante, puede ser una notificación de una posible aplicación de gravamen sobre la propiedad como garantía, que aún no ha sido descargada en su proceso de bancarrota.

New York City

Número de licencia 1471002 de Asuntos del Consumidor de la Ciudad de Nueva York.

**Atención Miembros del Servicio Militar y Dependientes:** Ley de Amparo Civil para miembros del servicio militar y ciertas leyes estatales proporcionan protecciones importantes para usted, incluyendo protecciones de tasas de interés y prohibiendo la ejecución hipotecaria bajo la mayoría de las circunstancias durante y doce meses después del miembro del servicio militar u otro servicio. Asesoramiento para militares con cobertura está disponible de Military OneSource (800-342-9647) y la Asistencia Legal de las Fuerzas Armadas de Estados Unidos o de otras agencias similares. Para más información por favor visite el sitio web de Military OneSource [www.militaryonesource.mil/](http://www.militaryonesource.mil/).

As per sc clerk office

11/16/15 CHimortgage INC  
NEW PENN Financial INC/  
Shellpoint MORTGAGE CO.  
recorded w/ suff count in Liber M00022649 pg 820

5/27/16 CHimortgage Inc →  
Christiana Trust/Wilmington Savings Fund  
Society FSB  
Liber M00022706 pg 924

⊕ Recorded tx from SP back to Ctl

postponing

USCC - C76. CC  
01. a  
022 OCU

<b>Transmission Report</b>
----------------------------

Date/Time  
Local ID 1

01-03-2017  
516-719-5024

04:50:34 p.m.

Transmit Header Text  
Local Name 1

Emergency Services

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

### Fax Cover Sheet

**To:** Fabio Vivas

**Fax:** 866-467-1187

**From:** Stacy Fisher

**Re:** Loan #0568481023

**Loan Modification Request**

**Property: 2272 Locust Avenue**

**Ronkonkoma NY 11779**

**Sent via Fax and Email**

**Total # Pages :** 95

**(Including cover sheet)**

1

Total Pages Scanned : 95

Total Pages Confirmed : 95

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	307	918664671187	03:33:52 p.m. 01-03-2017	01:14:18	95/95	1	EC	HS	CP14400

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct



**Fax Cover Sheet**

**To: Sales Department, Rosicki & Rosicki**

**Fax Number: 845-897-2648**

**From: Stacy Fisher**

**Re: 2272 Locust Avenue, Ronkonkoma, New York 11779**

**# of pages: 5**  
**(Including Cover Sheet)**

**\*\*URGENT MATTER – PLEASE REVIEW\*\***

---

Default  
DEC 2009

CHI - Not Allowed  
NOV 20

Fore - March

Variant

CHI. You will have a new issue  
a Denial Letter

Husb Lost Job Nov - Called CHI

Said Lost Job - we can't help.

missed MGA payment as per  
advice of CHI. to get help  
was told not to make payment to  
get Modification \*

Got Notification in Motel w/no  
the paperwork in March.

Called CHI → sent paperwork in attempt  
for a Modification and was told  
because we were late on our MGA  
they couldn't help a way given the  
been around for 6 years.

Shellpoint came in October w/a  
letter. found out via Suffolk  
County website they were assigned  
the mortgage & it was because  
so I called to see if I could modify  
them Nov. 2010 I haven't heard back.  
I received a letter in the mail the



**Ms. Stacy Fisher**  
**2272 Locust Avenue**  
**Ronkonkoma, New York 11779**  
**(631)433-1892**  
**[stacyfishr2002@msn.com](mailto:stacyfishr2002@msn.com)**

January 9, 2017

**Attention: Sales Department**  
Rosicki & Rosicki and Associates  
2 Summit Court  
Suite 301  
Fishkill, New York 12524

**Re: 2272 Locust Avenue**  
**Ronkonkoma, New York 11779**


Dear Sir/Madam,

The purpose of this letter is to request a sale postponement for the above referenced property which is currently scheduled for January 10, 2017. I currently reside at said property with my children and have been working with Shellpoint Mortgage Servicing to save my home. They are currently in receipt of the Uniform Borrower Assistance packet along with required documentation. At this time I am working to secure financing through another lender as well.

I am a single mother residing at the property with my four children since the original date of purchase in 2006. Although my estranged husband did originally live here as well, he was removed from the property by order of the Suffolk County Family Court in August of 2010 and has not returned to the property since. I was financially unable to take over the property at the time of the original default due to the fact that I was a stay at home mother and did not have an income of my own. I have since put myself through school and obtained full time employment where I was recently promoted which has changed those circumstances and now allows me the ability to do so. I am including the letter of hardship that was sent to the Loss Mitigation Dept for your review.

I am requesting your consideration in postponing this sale to allow me adequate opportunity to save our home. My children and I are very well established in the community and have been working to remedy extenuating circumstances that have caused this situation to occur. Should you need any further information or documentation from me, please contact me at the above number. Due to the impending sale date tomorrow, your immediate attention to this matter is appreciated.

Sincerely,



Stacy Fisher

cc: Page Williams, Shellpoint Mortgage Servicing

Attention: Fabio Vivas Loan # 0568481023

**Ms. Stacy Fisher**  
**2272 Locust Avenue**  
**Ronkonkoma, NY 11779**  
**(631)433-1892**  
**stacyfishr2002@msn.com**

December 31, 2016

**Attention: Fabio Vivas**

Shellpoint Mortgage

P.O. Box 1410

Troy, MI 48099-1410

**Re: Loan #0568481023**

**Property: 2272 Locust Avenue, Ronkonkoma, NY 11779**

Dear Mr. Vivas,

As per my conversation on 12/29/16 with Adrian Boyd, I am writing to request your assistance in obtaining a modification/reinstatement to the mortgage in order to postpone/cancel the scheduled auction for the above named property. I currently reside in the home with my four children and have done so since the original purchase date.

There have been several extenuating circumstances that have led to the default of this mortgage. In November of 2009, my husband was laid off from his job as a construction manager. I was a stay at home mother to our 4 young children and not employed. At that time, the mortgage payment was being made monthly and remained current. The lender at that time, Citimortgage, was immediately contacted and advised of the sudden income loss. My husband and I were informed by the bank at that time that they were unable to assist us in any way because the loan was not currently in default and offered no further solution.

Within 3 months we were served with foreclosure documents.

Following the service of the foreclosure documents, multiple attempts were made to obtain a loan modification to no avail. Although I spoke to a representative on an ongoing basis, the requirements and documents that were needed were constantly changing or added on to. Once again, no assistance was ever provided.

Since the time of my husband being laid off, our marriage has been broken beyond repair. Extensive domestic issues led to the involvement of Child Protective Services/Department of Social Services as a result of multiple instances of violence/abuse in the home. Multiple Orders of Protection were put in place by Suffolk County Family Court as well as a criminal action against my husband beginning in November 2009. Allegations of neglect/maltreatment were indicated and founded by Child Protective Services and after many months of police reports and court hearings, the Department of Social Services finally received an order removing my now estranged husband from the property as of 8/30/2010.

I did not receive any assistance from Mr. Fisher towards the children or the maintenance of the property. I was no longer able to continue being a stay at home mother. After more than 10 years of being home I struggled to find employment and provide for my children. For months my estranged husband was restricted to supervised visitation so I was not only responsible for financially supporting the children and the household, but I also remained their sole caregiver. Over the next few years, I had no choice but to turn to social services for assistance with food and health benefits. I found work but didn't make much more than minimum wage.

More than 6 years later, things are steadily improving. We no longer rely on public assistance. I have put myself through school, received an Associates degree and have become a certified Paramedic. I now have a steady, full time income working for a major healthcare system as well as 3 per-diem jobs to supplement my income. I am also a Jazzercise franchise owner under which I have been privately contracted to teach several classes a week. My estranged husband has not been allowed to return to the property and has resided elsewhere since that date.

At this time, I am finally in a position to be able to maintain a monthly mortgage payment on my own. My children and I would benefit greatly from remaining in our home as we are very much established in the community. My oldest son is currently overseas on active duty with the United States Army but



resides with me when on leave. My other 3 children are students in the Connetquot School District and have been since kindergarten. My parents, who assist in caring for the children while I am working, live just a few houses away from us in my childhood home on Locust Ave. In addition to my involvement in the school district, I am also a volunteer firefighter/paramedic at the Lakeland Fire Department since 2010.

Unfortunately, time is of the essence as there is a scheduled auction date of January 10, 2017 for the property. I appreciate your consideration and any assistance you may be able to provide with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stacy Fisher', with a stylized, cursive script.

Stacy Fisher

TRANSMISSION VERIFICATION REPORT

1412

TIME : 01/09/2017 15:20  
NAME : DANA VAN BELL  
FAX : 6317374196  
SER.# : BRDL7F177815

DATE, TIME	01/09 15:18
FAX NO./NAME	18458972648
DURATION	00:01:23
PAGE(S)	05
RESULT	OK
MODE	STANDARD ECM

3,2K = Tanya - confirmed receipt @ 1445